

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL ANTHONY DIMASSIMO, : CIVIL ACTION NO. 1:17-CV-1085

:
Plaintiff : (Chief Judge Conner)

:
v.

**NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,**

:
Defendant :

ORDER

AND NOW, this 4th day of March, 2019, upon consideration of the report (Doc. 28) of Magistrate Judge Karoline Mehalchick, recommending that the court deny the appeal of plaintiff Michael Anthony DiMassimo (“DiMassimo”) from the decision of the administrative law judge denying his application for a period of disability, disability insurance benefits, and supplemental security income, and it appearing that DiMassimo has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and,

following independent review of the record, the court being in agreement with Judge Mehalchick that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g), and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 28) of Magistrate Judge Mehalchick is ADOPTED.
2. The decision of the Commissioner denying DiMassimo’s application for a period of disability, disability insurance benefits, and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against DiMassimo as set forth in paragraph 2.
4. The Clerk of Court shall thereafter CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania